



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Arthur Jackson, Case Manager
Joel Lawson, Associate Director Development Review

DATE: September 11, 2012

SUBJECT: **BZA Case 18404** – Request for Special Exception relief for a concrete manufacturing facility constructed at 3 DC Village Lane SW

I. SUMMARY RECOMMENDATION

The Office of Planning (OP) **recommends approval** of the special exception requested in accordance with § 802.17, contingent upon the following conditions:

- This special exception approval shall expire **7 years** from the publication date of the final Board of Zoning Adjustment (BZA) order.
- Continuous opaque vinyl mesh shall be added to sections of chain link fence to the north and east of the concrete manufacturing facility.
- Upon demolition of the boiler building, the chain link fence and opaque screen shall be extended across the site.
- A landscape plan shall be added to the public record that creates more effective visual buffer from the “public view” as required by §§ 802.17 (g) and (h) by:
 - Changing the tree species in the pots from Leyland cypress to the native juniper *Juniperus virginiana* L. (Eastern red-cedar);
 - Placing additional tree planters along the fence perimeter around the plant; and
 - Developing and implementing a weekly irrigation plan or entering into a signed agreement with a landscape contractor to maintain said landscaping.
- A site plan shall be added to the public record showing the plant dumpster relocated from the “public view” to within the modified landscape buffer or behind the opaque screen and fence.

II. AREA AND SITE DESCRIPTION

Address:	3 DC Village Lane SW
Legal Description:	Square 6264 Lot 0801 (portion of)
Ward:	8D
Lot Characteristics:	An “L”- shaped interior lot with an approximate area of 3 acres and frontage along DC Village Lane SW (refer to Exhibit 1).



Existing Development:	This portion of lot 0801 is developed with a concrete slab at the north end remaining from a building demolition that is currently used for employee and trailer parking; a vacant industrial (boiler) building of masonry construction; and the portable concrete manufacturing facility surrounded by a chain link fence 10 feet tall which occupies the south half of this site (refer to Figure 1).
Zoning:	<i>C-M-1</i> – a concrete manufacturing facility is allowed by special exception in accordance § 802.17.
Historic District:	None
Surrounding Neighborhood Character:	Other institutional and warehouse uses
Adjacent Properties:	Surrounding development consists of the Metropolitan Police Department (MPD) Recruiting Center and parking lot to the north across DC Village Lane; Federal (National Park Service) park property to the south beyond District boundary; DC Public Health Department Warehouse No. 4 and the MPD vehicle impound lot generally to the west; and the new MPD evidence facility immediately to the east (refer to Exhibit 1).

III. PROJECT DESCRIPTION IN BRIEF

Applicant	Chaney Enterprises as authorized by the District of Columbia, the property owner of record.
Proposal:	<p>To authorize the existing concrete manufacturing facility.</p> <p>The application explained that the DC Department of Real Estate Services issued a Request for Offers (“RFO”) to ground-lease this portion of lot 801 in early 2011. The applicant, Chaney Enterprises LP, was selected to lease the property to erect a portable concrete batch plant. Concrete produced by this plant would be used, in part, to make improvements to the DC Water Blue Plains filtration facilities that are required under a consent decree.</p> <p>The property ground lease was signed in September 2011. All buildings except the boiler building were razed and Building Permit No. B111984 was issued in November 2011 for erection of the prefabricated plant and to locate an office trailer on the lease property. The facility became operational after the Certificate of Occupancy (CO) was issued in December 2011. The CO was subsequently revoked in March 2012 because the special exception relief required for this use in accordance with § 802.17 had not been approved by the BZA.</p> <p>Paragraph 5.3 under Article 5 of the land lease includes a stipulation that the: “Tenant shall perform and comply with all laws, rules, orders, ordinances, regulations, and requirements now or hereafter enacted or promulgate, of every government authority have jurisdiction over the (site) and any area abutting the (site).” Accordingly, the applicant filed this application requesting the required relief.</p> <p>Although no duration for this special exception approval was requested, the applicant indicated a term of 7-10 years.</p>

Relief Sought:	§ 802.17 – special exception approval the existing concrete manufacturing facility.
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IV. OP ANALYSIS

Compliance with § 802.17:

802.17 *A facility that manufactures, processes, mixes, stores, or distributes concrete or asphalt or the materials that are used to make concrete or asphalt shall be permitted, provided that the following requirements shall be met:*

- (a) *No portion of the facility, including the land used by such facility, shall be located within two hundred feet (200 feet) of a residential property line or of any property that is a public park or is used for retail, office, church, school, or institutional purposes;*

The subject property is not within 200 feet of any residential, retail, office, church, school or other non-government institutional use.

It is also within 50 feet of Federal parklands to the south (The George Washington Parkway). However, parklands beyond the District boundary are not subject to the protections afforded by the District Zoning Regulations (refer to Exhibit 1).

- (b) *There shall be no truck access, parking, standing, or queuing to the facility from any street or block-long portion of a street for which fifty percent (50%) or more of the abutting properties on either side are used for residential purposes;*

Vehicles access to the site is from DC Village Lane. More than 50% of the frontage along the east side of this road (to the intersection with Blue Plains Drive SW) is occupied by the Potomac Job Corps campus.

The program director stated that enrolled youth live and learn on this campus year-round and the student residence facilities line DC Village Lane. There was initial concern that this facility would negatively impact the campus, however, to date no adverse impacts in terms noise or airborne particles have been observed.

OP also observed: the 5-story MPD evidence building and the 2-story boiler building¹ between the plant and campus help to shield the campus facilities; and there is no indication that associated vehicles are standing or queuing on DC Village Lane.

- (c) *No truck dumping or picking up concrete or asphalt or related materials shall park, stand, or queue for the facility along any public right-of-way. Vehicular traffic resulting from operations at the facility shall not obstruct traffic and the location of the facility shall provide access from a paved street with a road base capable of withstanding anticipated load limits;*

The Pre-hearing Supplement indicated that no dumping or picking up of concrete or related materials, or vehicle queuing occur outside the subject property boundaries, so the existing use has not adversely affected the public right-of-way.

- (d) *Any facility located within five hundred feet (500 feet) of a residence district shall not be in operation between 7:00 p.m. and 7:00 a.m. Hours of operation shall include the arrival and departure of trucks;*

The nearest residence (R-5-A) district is more than 800 feet away (refer to Exhibit 1).

The Pre-Hearing Submission indicated that normal plant hours of operation are Monday

¹ Although demolition of the boiler building is anticipated on the current site plan, it is nuclear when this might occur.

through Friday from 7:00 AM to 5:00 PM. and Saturday from 7:00 AM to 12 noon.
These hours are subject to change in response to client construction timetables.

- (f) *The facility shall meet the "Standards of External Effects" pursuant to § 804;*

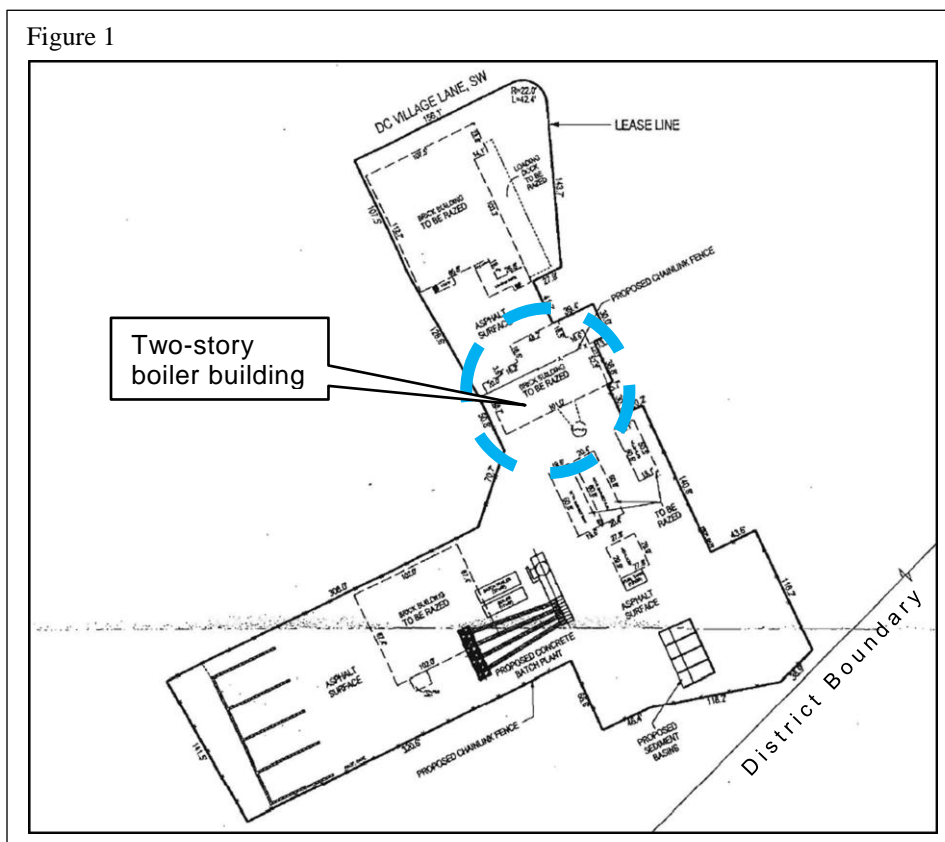
Refer to the "Compliance with § 804" subsection below.

- (g) *The facility shall be enclosed on all sides by a fence or wall at least ten feet (10 feet) in height. The public view side and the side of the facility facing residence districts or nearby or adjacent property used as a public park or for retail, office, church, school, or institutional purposes shall be landscaped and shall have an opaque screen, fence or wall, not less than ten feet (10 feet) in height. The use of barbed wire or razor wire that is visible from residential or public space is prohibited;*

While the boiler building screens part of the site, the existing landscaping and fence are inadequate to screen the rest from the "public view" (the view from DC Village Lane). The chain link fence does not screen the plant at all and the current potted tree spacing negates their potential to effectively screen the site and parking area (refer to Exhibit 2).

The Pre-hearing Supplement indicates that an opaque covering would be added to fence portions in the "public view". Annotation on the attached landscaping plan indicated that opaque vinyl slats would be inserted into fence sections immediately north and east of the plant.

Figure 1



Screening just those borders is acceptable to OP because the other boundaries face other industrial uses and the MPD impound lot.² Since vinyl slates tend to fall into disrepair

² When the boiler plant is demolished the fence and opaque screen should be continued across the property.

over time, OP recommends the use of continuous vinyl mesh instead.

(h) *Landscaping standards shall be applied as follows:*

(1) *A landscape area of evergreen trees shall be maintained in the front, side and rear yards, and along all public rights-of-way;*

Leyland Cyprus trees are only planted along the northern boundary and public right-of-way, and a portion of the eastern site boundary (refer to Exhibit 1).

(2) *The landscaping shall be maintained in healthy growing condition; and*

Existing potted trees are not in good health and appear to be dying.

(3) *The trees shall be a minimum of eight (8) feet in height when planted; ...*

The existing trees appear to be taller than 8-feet overall.

The Pre-hearing submission includes correspondence from DCRA confirming that the current landscape plan was approved prior to the issuance of the building permit. However, based on the existing conditions this plan has proven to be inadequate. An arborist with the District Department of Transportation (DDOT) agreed that the site environment is one in which plants can only survive if containerized. In light of these circumstances, they made the following recommendations:

- Change the plant species to the native juniper *Juniperus virginiana L. eastern red-cedar*, a hardier plant that can handle the harsh dry conditions associated with this type of industrial operation (most of the existing Leyland cypress trees in the pots are either dead or in need of replacement);
- Planters should be added along the perimeter of the fence to better screen the plant; and
- A weekly irrigation plan for all containers should be created and implemented since there are water sources available onsite.

In addition, OP recommends that the applicant:

- Increase the density of potted plants around the parking area to provide a more effective visual buffer; and
- Consider contracting with a landscaping company to provide proper plant maintenance.

OP also observed that the plant trash dumpster, while apparently not in public space, is clearly in the “public view.” It is therefore recommended that it be relocated within the landscape buffer or opaque screen surrounding the plant.

802.18 *The Board shall submit an application for a concrete or asphalt plant to the D.C. Office of Planning for coordination, review, report, and impact assessment, along with reports in writing of all relevant District departments and agencies, including but not limited to the Departments of Public Works, Transportation, and Health, the Soil Resources Branch of the Department of Consumer and Regulatory Affairs and, if a historic district or historic landmark is involved, the State Historic Preservation Officer.*

Comments were requested from the Departments of Public Works, Transportation, the Environment and Consumer and Regulatory Affairs (to access the associated noise and vibration impacts). In addition to the above comments about the existing landscaping, DDOT did not foresee an additional impact on the road network from this concrete manufacturing plant. None of the agencies contacted expressed any concern. The State Historic Preservation Office did not comment because this site is not within an historic district.

802.19 *The applicant for a concrete or asphalt plant special exception shall provide the following:*

- (a) *A site plan showing the layout of the proposed facility, including fences and screens, street access, parking, and queuing areas;*

The submitted plans meet this standard.

- (b) *A landscape plan showing the planting locations and soil preparation techniques;*

The landscape plan shows the location of potted trees. No information about soil preparation techniques was provided because the trees are in pots.

- (c) *A lighting plan showing the proposed lighting locations, illumination spread, and noting the proposed height and wattage of the lighting fixtures;*

No lighting plan was provided with this application. While onsite OP noted that box floodlights are attached to plant tower structure and the two-story boiler building. Because these fixtures appear directed toward the vehicle circulation areas onsite, the potential for illumination to overflow onto neighboring industrial and warehouse properties appears limited.

- (d) *A traffic study which indicates truck routes to and from the facility on streets abutting residential neighborhoods, with the objective of minimizing potential adverse impacts on adjacent neighborhoods; and*

The traffic analysis prepared for the applicant by Traffic Concepts, Inc., concluded there are no impacts the residential community or nearby public uses. Impacts are limited to roads the currently serve other nearby institutional uses. It also stated that no noticeable traffic congestion or delays were observed along the affected road network.

- (e) *A description of the facility's methods and specifications for the control of odor, dust, smoke and other air pollutants, and noise.*

Information provided by the applicant is summarized in the following subsection.

Compliance with § 804:

804.2 *The volume of sound inherently and recurrently generated shall not exceed the standards in §§ 804.3 through 804.6 at any point along the boundaries of the zone district in which the use is located.*

804.3 *Sound levels shall be measured with a sound level meter and associated octave band filter manufactured according to standards prescribed by the American Standards Association on May 12, 1958.*

The noise analysis prepared by consultants Scantek, Inc. for the applicant noted that the 1958 octave band standards in the current Zoning Regulations are obsolete. After converting the listed requirements to comparable measureable standards, the engineering firm determined that sound level generated by vehicles and equipment onsite are at or below the allowable limit at all locations along the residential zone boundary.

804.4 *Objectionable sounds of an intermittent nature shall be controlled so as not to become a nuisance to adjacent uses. ...*

Based on the above analysis and comments by the Job Corps director, this standard is being met.

804.6 *Except as provided in § 804.7, maximum sound pressure levels shall not exceed those provided in the following table:*

<i>OCTAVE BAND (cycles per second)</i>	<i>MAXIMUM SOUND PRESSURE LEVEL IN DECIBELS (0.0002 dynes per square centimeter)</i>
<i>0-74</i>	<i>72</i>
<i>75-149</i>	<i>67</i>
<i>150-299</i>	<i>59</i>
<i>300-599</i>	<i>52</i>
<i>600-1,199</i>	<i>46</i>
<i>1,200-2,399</i>	<i>40</i>
<i>2,400-4,800</i>	<i>34</i>
<i>Above 4,800</i>	<i>32</i>

Based on the above-referenced analysis, the equivalent of this standard is being met.

- 804.7 *Where a C-M District abuts an M District, the standards in § 825 shall apply along the zone boundary separating the C-M and M Districts.*

This standard is not applicable in this case.

- 804.8 *The emission of any smoke from any source to a density greater than that density described as No. 2 on the Ringelmann Smoke Chart shall be prohibited. The Ringelmann Smoke Chart, published by the Bureau of Mines, U.S. Department of the Interior, in Information Circular 8333, shall be adopted by reference and made a part of this title.*

The process of making concrete generally involves combining cement with sand, gravel, crushed limestone and other aggregates. Due to the nature of these manufacturing processes, no smoke emissions have been experienced.

- 804.9 *The emission of any odorous gases or other odorous matter or steam in quantities that are offensive or noisome at any point along the boundaries of the zone district in which the use is located shall be prohibited.*

Due to the referenced manufacturing processes, no emission of odorous gases, steam and other matter has been experienced.

- 804.10 *No noxious, toxic, or corrosive fumes or gases shall be permitted to escape or to be discharged from any use permitted in a C-M District.*

Due to the manufacturing processes used, this has not been a problem.

- 804.11 *No objectionable amounts of cinders, dust, or fly-ash shall be permitted to escape or to be discharged from any use permitted in a C-M District.*

Emission control equipment consisting of a fabric filter and “boot” around the aggravate dispenser are installed on the batch plant. The application states that the fabric alone has a 99.9% efficiently rating for controlling dust. Best management practices including sweeping and wetting surfaces have been employed to control fugitive air-borne emissions from other sources.

Implementing these strategies appears to keep air-borne emissions to an acceptable level as confirmed in the above-referenced Job Corps director comments.

- 804.12 *No direct or reflected glare or heat from any source shall be detectable in objectionable amounts beyond the boundaries of the zone district in which the use is located.*

Direct and reflected glare and heat have not been a problem because of the processes used.

804.13 Every use shall be operated so that ground vibration inherently and recurrently generated is not perceptible, without instruments, at any point along any boundary of the zone district in which the use is located. ...

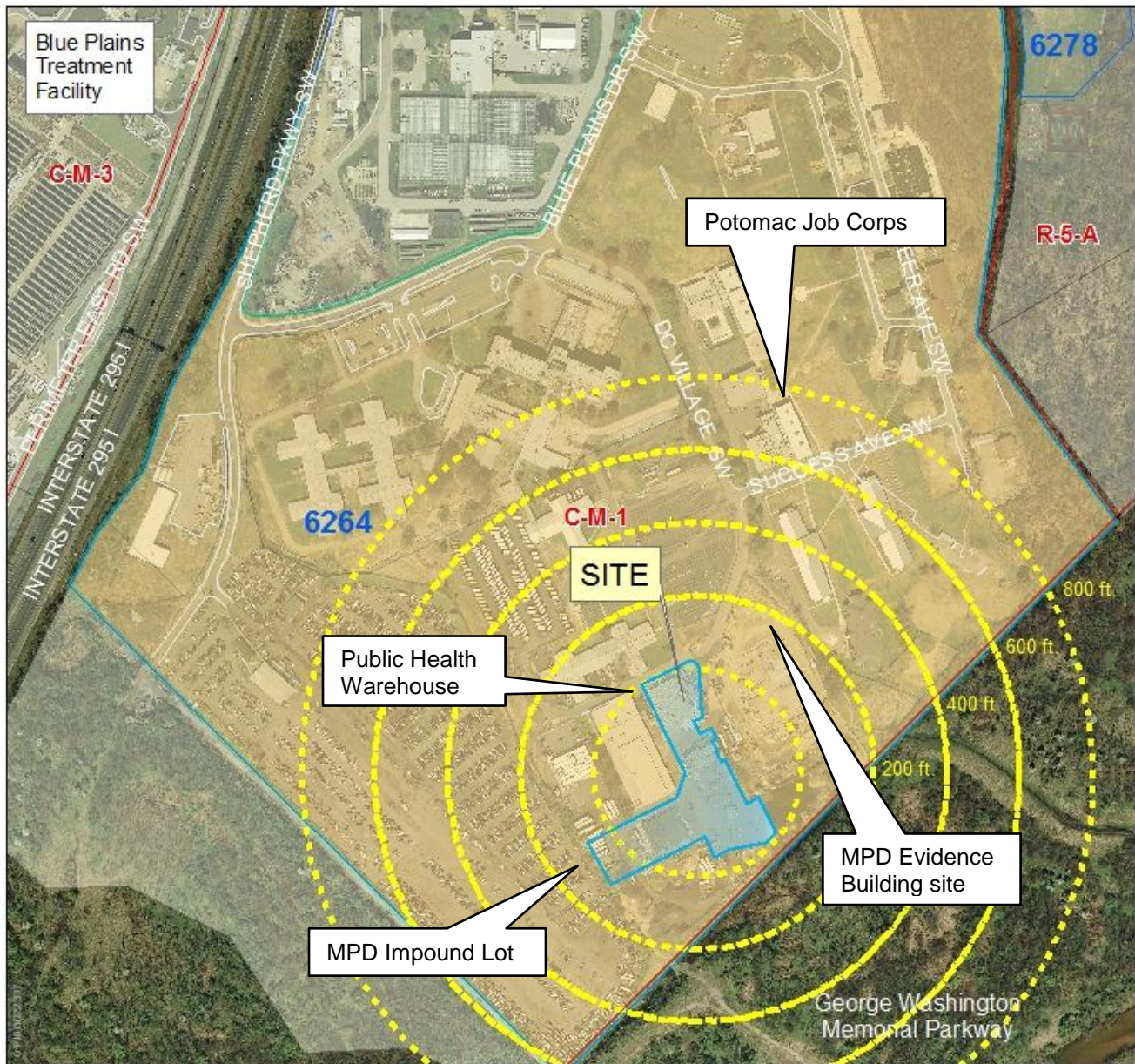
There is no indication that ground vibrations generated by this use are perceptible on the Job Corps site which is much closer than the R-5-A district to the east or the C-M-3 district to the west across Interstate 195.

Based on this review, the Office of Planning conditionally supports the requested relief.

V. COMMUNITY COMMENTS

To date no resolution on this case from Advisory Neighborhood Commission (ANC) 8D has been placed in the case record file.

Attachments: Exhibit 1 Site and Surround Land Uses
Exhibit 2 Site and Landscape Buffer Photographs



BZA Application No. 18404
3 D.C. Village Lane SW



Government of the District of Columbia
 Office of Planning ~ August 9, 2012

This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate.

LEGEND

- Street Centerlines
- Zoning Districts
- Lot_Portion_Circle_Multiplier
- Curbs
- M Metro Stations
- Property Squares

Street Frontage

(looking south from DC Village Lane)



MPD Evidence Building



Landscape Detail

